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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,501	03/10/2006	Klaus Hoffmann	0119010-00143	4212
29177	7590	04/28/2009	EXAMINER	
K&L Gates LLP			PHUNG, LUAT	
P.O. BOX 1135			ART UNIT	
CHICAGO, IL 60690			PAPER NUMBER	
			2416	
			MAIL DATE	
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			04/28/2009	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/571,501	<b>Applicant(s)</b> HOFFMANN ET AL.	
	<b>Examiner</b> LUAT PHUNG	<b>Art Unit</b> 2416	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: 15-17, 19, 23-25 and 27-32.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 11-14.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Ricky Ngo/  
 Supervisory Patent Examiner, Art Unit 2416

Continuation of 3. NOTE: On pages 10-12 of the Remarks, Applicants argue that:

Under the heading "Claim Rejections - 35 USC § 103" on page 3 of the above- identified Office Action, claims 11-14 have been rejected as being obvious over ITU-T Q.734 (Stage 3 Description for Multiparty Supplementary Services using SS7, 03/93 in view of NWB-087 (Proposed New Recommendation Q.1912. SIP- Version 2002.06.21C, Study Group 11, Temporary Document NWB-087 of ITU- T) under 35 U.S.C. § 103. Applicants respectfully traverse.

Temporary Document NWB-087 is not prior art that is available to be cited against the claims of this patent application.

Temporary Document NWB-087 is dated June 21, 2002, however, there is no evidence that this document was made available to the public on June 21, 2002. In fact, the evidence clearly indicates that the document was a temporary internal document that was not released to the public.

Applicants point to the first page of the document that is clearly marked, "this is not a publication made available to the public". The first page of the document also indicates that the document, "shall not be made available to, and used by, any other persons or entities without the prior written consent of the ITU-T". Applicants also point out that the document is classified by the authors as a "temporary document".

The claim for priority in the instant application has been perfected, and the application is entitled to a filing date of September 12, 2003. The Examiner has not offered any evidence that the Temporary Document NWB-087 was available to the public before that date.

The mere fact that the document is dated June 21, 2002 does not indicate that it was publicly available on that date given that the evidence discussed above indicates it was to be kept as an internal document.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 11 or 25. Claims 11 and 25 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 11, 23 or 25.

Examiner respectfully disagrees.

The prior art reference NWB-087 was published on the Internet as evidenced by the Internet Archive website Wayback Machine, which shows the document having been made available to the public on the [www.softarmor.com](http://www.softarmor.com) website as of July 15, 2002, and was archived on the [www.archive.org](http://www.archive.org) website on August 25, 2002, before Applicants' claimed priority date of September 12, 2003.

<http://web.archive.org/web/20020825075617/http://www.softarmor.com/sipping/references/>

Such a draft document of a standard specification, as it is well known in the art, is available to the public, e.g., to companies participating in the standards bodies, in this case ITU-T.